

September 18, 2017



Talbot County Planning Commission
Final Decision Summary

Wednesday, August 2, 2017 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

William Boicourt, Chairman
John N. Fischer, Jr., Vice Chairman
Michael Sullivan
Paul Spies
Phillip "Chip" Councell (absent)

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Brennan Tarleton, Planner I
Elisa Deflaux, Environmental Planner and
Recording Secretary
Mike Mertaugh, Assistant County Engineer

1. Call to Order—Commissioner Boicourt called the meeting to order at 9:00 a.m.

2. Decision Summary Review—July 5, 2017—The Commission noted the following corrections to the draft decision summary:

- a. Line 128, correct to read: "Commissioner Boicourt stated that looking at the diagram, the dark areas are existing first floor area, except for those that are cross-hatched which are proposed buffer expansions, is that correct?"
- b. Line 311, add the word "point" at the end of the sentence so that it reads: "Commissioner Boicourt stated it is his recollection that from the previous Comprehensive Plan, not the most recent, but the previous, when working out the growth boundaries around the town that this annexation was a discussion point."

Commissioner Spies moved to approve the draft Planning Commission Decision Summary for July 5, 2017, as amended. Commissioner Fischer seconded the motion. The motion carried unanimously.

3. Old Business

- a. Special Exception—RDC Harbourtowne LLC #17-1658—9784 Martingham Circle, St. Michaels, MD 21663 and 9599 Melanie Drive, St. Michaels, MD 21663 (map 23, grid 8 & 1, parcel 1 & 90, zoned Rural Conservation/Western Rural Conservation), Zach Smith, Esquire, Armistead, Lee, Rust, & Wright, Agent.

Brennan Tarleton presented the Staff Report for the applicants RDC Harbourtowne, LLC and RDC Melanie Drive, LLC requesting a recommendation from the Planning Commission to the Board of Appeals for a Special Exception to permit the expansion of the Links at Perry Cabin, formerly known as

55 Harbourtowne Golf Course, onto a portion of the adjacent parcel of land shown as
56 Lot 6 of Parcel 90 on Tax Map 23 for the purpose of creating a golf course
57 driving range. The portion of Lot 6, Parcel 90 where the golf course expansion is
58 proposed will be consolidated into the adjacent golf course parcel shown as Parcel
59 1 on Tax Map 23.

60
61 Staff recommendations include:

- 62
63 1. The applicant will obtain site plan approval prior to the issuance of any
64 building permits.
65 2. The applicant will provide mitigation for any impacts to the buffer and
66 vegetation at a ratio of 1 to 1 for the tree removal and 3 to 1 for the
67 disturbance to the expanded buffer.
68

69 Zach Smith, Armistead, Lee, Rust, & Wright, and Bill Stagg, Lane Engineering,
70 LLC appeared before the Commission on behalf of the applicants. Mr. Smith
71 stated they are before the Commission on two requests. One is the
72 recommendation to the Board of Appeals for the Special Exception and the
73 second is the Major Site Plan. He stated they were before the Commission in
74 February with this project but had not been able to apply for Special Exception
75 because they did not yet have the necessary Maryland Department of
76 Environment permit to apply for it. Mr. Smith stated although they received site
77 plan approval at that time they were not able to seek a recommendation. They are
78 now before the Commission with the MDE permit in hand ready to move forward
79 to the Board of Appeals. At that meeting, though they did receive approval of the
80 site plan presented, there were some concerns expressed by the neighbors. There
81 was a condition on the approval that additional screening be provided to offset
82 some of the clearing that was proposed. Mr. Smith stated he shared the neighbors
83 concerns with their client. Even though the applicant was not obligated to change
84 the site plan, he directed the plan be revised to leave in place the forested area
85 which was previously proposed to be cleared. This will eliminate the situation of a
86 tee area on both sides of the range. The applicant believes this will be the right
87 way to go and will be received well by the neighbors. Mr. Smith stated he also
88 believes the revised site plan will be received well by the Commission and
89 hopefully by the neighbors as well. They wanted to make clear on the record that
90 the revised Site Plan is approved and the condition of approval goes away because
91 it is no longer necessary if they leave the forested area intact. Mr. Smith asked
92 Mr. Stagg to walk through the site plan.
93

94 Bill Stagg stated they had reduced the footprint and scope of the driving range.
95 The southern tee was removed and a 150-175 foot deep section of woods that
96 buffers one of the neighbors remains. There is only one driving range tee on the
97 north end. The access to the driving range is moved further north to facilitate a
98 safe cart path crossing. The plan now provides for a small maintenance access
99 only road at the southern end of the site off of Canvasback Way that is simply for
100 construction activity and ultimately for mowing and maintaining the driving

101 range. There is no parking area at the lower end of the driving range. All access
102 will be from the north end at the golf pro shop. Mr. Stagg stated they have been to
103 TAC since they were last at the Planning Commission. There was some
104 discussion about stormwater management. Mr. Mertaugh wanted some
105 enhancement of the stormwater management per regulations. What the
106 Commission does not see on their plans is a long bio-retention swale along the
107 east side of the driving range. This will intercept all of the piped drainage within
108 the range and other sheet flow drainage into a bio-swale feature for water quality
109 treatment before it is ultimately discharged to the ditch that parallels it on the west
110 side of the golf course. There are no structures proposed on the driving range and
111 no portable tents or roof structures for hitting under. In terms of additional
112 landscape buffering: the existing hedgerow will be enhanced with 2-4 additional
113 rows of new plantings and when you turn the corner behind the tee there will be
114 another row of vegetation there as well. Mr. Stagg believes they have adequately
115 buffered the range with trees. Melanie Drive still serves Lot 6. However, there is
116 no access from Melanie Drive for the golf users.

117
118 Commissioner Fischer asked if there will be a machine out near the golf house
119 with balls. Mr. Stagg stated there will either be a machine or a person with balls.

120
121 Commissioner Boicourt called for public comment.

122
123 Margie Patrick, 9450 Canvasback Way, appeared before the Commission. She
124 stated that at the last TAC Committee meeting and at the Board of Appeals
125 meeting on Monday the applicants were instructed to put in an emergency road.
126 Has that been done? They were told they could not go up Melanie Drive. They
127 had to get an emergency road from Canvasback to the north tee.

128
129 Mr. Smith stated they would prefer not to put in an emergency access from
130 Canvasback to the north tee. That said, we are going to do what is necessary for
131 the site to function properly and what is required by the County. The comment
132 was made at TAC that we need an access road from Canvasback to the north tee.
133 That comment was made by Public Works. We asked, respectfully, where does it
134 say we have to do that in the Code? We were told it does not expressly say that
135 but they feel like they can require it under the general provision of health, safety
136 and welfare. We think such a road is unnecessary under the circumstances. We
137 think there is obviously an economic consequence to their client, an aesthetic
138 consequence to the range, and potentially an environmental consequence. More
139 importantly, in this instance it is not necessary because Melanie Drive provides
140 that access. We have voluntarily agreed not to take access of Melanie Drive for
141 users of this site or for maintenance of this site. But in the unforeseen likelihood
142 that medical professionals need to access the site in an emergency, we are
143 confident they will use Melanie Drive. Even if we put in an access road, it is not
144 going to show up on any County maps. When ambulances come or 911
145 dispatchers direct traffic, they are going to see that Melanie Drive is the way to
146 get to this site. Mr. Smith stated that furthermore, under Maryland Law, under the

147 Good Samaritan Act, first responders are entitled to use private property to access
148 sites in a medical emergency. Because they are allowed to do that under the law
149 and because we know they will do that, if there is an emergency, we think it is
150 unnecessary here to build an ancillary access we think will never be used. We ask
151 that you not require another road for this problem.
152

153 Commissioner Spies asked what was the reasoning for it? Mr. Tarleton interjected
154 that there was a Staff Report put together for the Major Site Plan as well. He was
155 not aware they were going to move forward with describing that as well. Staff
156 was going to present the Special Exception first. In that Staff Report for the Major
157 Site Plan under recommendations, or final recommendation was: "The applicant
158 shall provide an access connection of sufficient width for emergency service
159 vehicles and fire trucks from Canvasback Way to the tee box area. The connection
160 shall consist of a stable and hardened drive surface with details of the access
161 alignment and cross section provided in the site plan and a turnaround space shall
162 be provided to improve emergency service response time."
163

164 Commissioner Spies asked what the reasoning was for that? Mr. Tarleton stated it
165 was just a suggestion because the road they listed was on the opposite side.
166 Commissioner Spies said there are 18 holes on a golf course where people are
167 hitting golf balls just like they are on the driving range. You don't require
168 emergency vehicle pathways to every tee box. He stated he needed clarification
169 why emergency access was needed at both ends of the driving range.
170

171 Mr. Mertaugh stated from a Public Works perspective there was originally an
172 access road. The thought is that there should be a viable access way that an
173 emergency vehicle can negotiate, either Canvasback Way or some other access
174 point. Commissioner Sullivan stated Melanie Drive could provide access. Mr.
175 Mertaugh stated in his opinion they could not approve access on a private road
176 without consent of those road owners and users. Commissioner Sullivan stated
177 Mr. Smith stated Maryland Law and said they had a right to use it. Mr. Mertaugh
178 said they have a right, but it is not a law. Commissioner Sullivan asked what
179 difference would it make. If one of the residents on Melanie Drive needed
180 emergency vehicles, they would want it to go up there. Mr. Mertaugh stated they
181 would have a right. Commission Sullivan stated the golfer that has an emergency
182 on this tee has a right to get emergency service. They have a right to go up
183 Melanie Drive. Mr. Mertaugh stated that is the Commission's decision. He feels
184 there should be a viable access for emergency vehicles that does not impose on
185 the rights of other private property owners. Commissioner Sullivan asked if he
186 wanted an access road to every tee. Mr. Mertaugh stated that this site is unique in
187 the fact that is isolated. It is hidden from every side.
188

189 Commissioner Fischer said there is a 14 foot maintenance road that provides
190 access onto the course and there is open land from that point to the tee box. Mr.
191 Mertaugh stated there is stormwater facilities along the edge of the driving range.
192 Mr. Staggs stated it would be easy to navigate around the stormwater facilities. Ms.

Patrick asked if it was three hundred yards from the access road to the tee. So if someone got hit in the head with a golf club or something they would have to bring a fire truck in. Because if they have to land a helicopter, they have to bring in a fire truck. Mr. Stagg stated if someone got hit in the head or had a heart attack they would likely be taken in a cart back to the pro shop or down to Canvasback drive from the fairway. That is the only instance where ambulances could not drive directly to the tee from the end of the maintenance drive. There will be people out there with carts. There will be staff there. Commissioner Sullivan stated people are way less likely to have a problem at the tee getting hit than on the golf course. He feels this is excessive. Mr. Mertaugh stated, from the Public Works perspective this is the Planning Commission's choice. The alternative is that there is already a cart path where the tee box is. If it can be made where an emergency vehicle can negotiate, it that would be another alternative. Commissioner Sullivan stated he did not see the need for it; singling out the practice range and ignoring everything else on the golf course does not make any sense at all.

Mr. Vernon Cooper, 9723 Martingham Circle, St. Michaels, Maryland, stated he had sent the Commission a letter late last week. There was a meeting with an MDE representative and some other people yesterday. His original concern was losing property values due to a 25 foot berm. Now there will be a golf cart path between that berm and his residence for everyone going to the golf range. He stated he does not find that to be acceptable at all. They have lost property value already and now there will be a highway going through. Mr. Cooper stated he was told the berms will not be mowed, but will be allowed to go back to a natural state. He is already dealing with too much water coming off of the berms and losing yard because of existing water; approximately twelve inches this year. The golf course has lost one of its Leyland Cypress. Some of these Cypress are considerably shorter than the others.

Mr. Stagg stated, for clarity, Mr. Cooper is talking about a site on the North side of Martingham Circle, not at the driving range itself. Commissioner Boicourt questioned if this discussion would be more appropriate for the next issue. Mr. Stagg stated his concerns over drainage and other things will be addressed as part of the resort site plan which will be before the Commission next month. Mr. Cooper stated his main concern is the golf carts going through there. Originally he was told they were going from the clubhouse down the road. Mr. Stagg stated it was never their intention to go down the road. That was a rumor someone started. There will be additional screening between the cart path, Mr. Cooper and the property line.

Commissioner Boicourt stated we have had testimony related to the larger issue. We want to limit it so we can get through the things that are appropriate, but they do apply to the larger issue and we want to give the opportunity for the applicant to make changes and discuss with Mr. Cooper. Commissioner Fischer stated they will have another chance to address the cart path and those berms next month. He

239 stated he will defer from commenting on Mr. Cooper's issues, but they are
240 serious. He wants to make sure they address Mr. Cooper's issues.
241

242 Mr. Cooper appreciates the Commission taking some action on this because he
243 has been writing letters since February and no one will even talk to him.
244 Commission Fischer stated the issue of the height of the berms was addressed at
245 Quail Hollow and Mr. Smith's clients have addressed that appropriately and it
246 seems we have a similar issue here. The other issue Mr. Cooper has raised is the
247 flooding and we need to discuss that. Mr. Smith stated in the meantime they will
248 take a look at these items and possibly meet with Mr. Cooper to discuss his
249 concerns. Certainly any drainage issues they will address, no matter what. Perhaps
250 there is an opportunity for screening, though Mr. Cooper suggested he did not
251 think that would be successful (and according to Mr. Cooper's letter with his
252 expertise) Mr. Smith would take that under advisement.
253

254 Mark Eppard, 9409 Melanie Drive, St. Michaels, Maryland, stated he lives in the
255 small private community which is unattached to Martingham. The roadway
256 Melanie Drive that Mr. Smith stated they chose not to use, is a private road paid
257 for by the owners of his development. Several of his neighbors are against this
258 project, one of which is being represented by Mr. Smith. Mr. Eppard is
259 representing several of his neighbors. They originally bought in this development;
260 a very small community with relatively tight covenants and restrictions, quiet
261 place lots of woods and lots of wild life. That is going to change. None of this is
262 allowed according to the covenants. Commissioner Boicourt stated we do not deal
263 with covenants. That is an issue between you and the golf course. Mr. Eppard
264 stated if they wanted to live on a golf course they could have spent the money and
265 moved three hundred yards to the right. They all chose not to live on a golf
266 course. Commissioner Fischer asked if the location of the driving range had not
267 once been a spray irrigation field. Mr. Eppard stated he did not. Commissioner
268 Fischer asked wasn't that field used for spray irrigation? Mr. Eppard stated yes it
269 was. Commissioner Fischer stated you didn't complain then. Mr. Eppard stated he
270 did not live there then. Commissioner Fischer asked if he thought the owners of
271 Melanie Drive would be interested in entering into an agreement with the owners
272 of the golf course to allow emergency vehicles to come down that road. Mr.
273 Eppard stated he does not think anyone is so callous they would say no you have
274 to walk.
275

276 Patricia Eppard, also of Melanie Drive, stated people on Melanie Drive pay to
277 have our road done out of our own pockets. She stated she is a first responder, a
278 firefighter. There is nowhere to put a helicopter. There is already a lot of wildlife
279 being disturbed. You want to go ahead and let them have a driving range and let
280 them ruin the area for wildlife, go ahead. Let them make access to it, not Melanie
281 Drive. It is a lot of money to maintain that road. They had their driving range the
282 first time, they should have kept it.
283

Commissioner Spies moved to recommend the Board of Appeals approve the Special Exception to permit RDC Harbourtowne, LLC c/o Capital Properties, 9784 Martingham Circle, St. Michaels, Maryland to create a driving range, with all staff recommendations. Commissioner Sullivan seconded the motion. The motion carried unanimously.

- b. Major Site Plan and Waiver (Lot Size)—RDC Harbourtowne, LLC #SP580—E/S Melanie Drive, North of Canvasback Way, St. Michaels, MD 21663 (map 23, grid 8, parcel 1, zoned Rural Conservation/Western Rural Conservation), Bill Stagg, Lane Engineering, LLC, Agent.

Mr. Tarleton stated the conditions included the access road, which has previously been discussed.

Staff recommendations include:

1. Address the June 14, 2017 TAC comments from the Department of Planning Zoning, Public Works, Environmental Heath, Talbot Conservation District, and the Critical Area Commission prior to CRM submission
2. The applicant shall commence construction on the proposed improvements within twelve (12) months from the date of final approval.
3. The applicant shall provide a legal opinion on the Declaration of Restrictive Covenants recorded at 1649/503 to demonstrate to the satisfaction of the County that the prohibition of structures on the area being added to the golf course for the driving range can be rescinded or reversed.
4. The applicant shall provide an access connection of sufficient width for emergency service vehicles and fire trucks from Canvasback Way to the tee box area. The connection shall consist of a stable and hardened drive surface with details of the access alignment and cross section provided in the site plan and a turnaround space shall be provided to improve emergency service response time.

Commissioner Boicourt asked for public comments; none were made.

Commissioner Fischer moved to approve the Revision to the previously approved Major Site Plan of RDC Harbourtowne, LLC, c/o Capital Properties, 9784 Martingham Circle, St. Michaels, Maryland, all conditions being complied with, except conditions No. 3 (Declaration of Restrictive Covenants) and No. 4 (special access road), which are to be stricken. Commissioner Spies seconded the Motion. The motion carried unanimously.

Commissioner Sullivan moved to approve the Lot Size Waiver for Lot 6 (5.683 acres). Commissioner Spies seconded the Motion. The motion carried unanimously.

4. New Business

- a. Administrative Variance—Charles H. Webb, #A236—22601 River Ridge Drive, Bozman, Maryland 21652, (map 31, grid 14, parcel 370, zoned Rural Conservation), Brett Ewing, Lane Engineering, LLC, Agent.

Mr. Tarleton presented the staff report of the applicant's request for an Administrative Variance to expand a legal non-conforming primary dwelling located within the 100 ft. Shoreline Development Buffer resulting in a net increase of 117 sq. ft. Gross Floor Area (GFA), or roughly 2.58% of the existing GFA, within the Shoreline Development Buffer. Lot coverage for the entire site would increase from 20,424 sq.ft. (5.7%) to 20,984 sq.ft. (5.8%); under the 15% maximum allowable lot coverage spelled out in the *Talbot County Code* §190-136. As per the *Talbot County Code* §190-182C(2), a recommendation from the Planning Commission is required for all administrative variances.

Staff comments:

1. A significant portion of the additions are proposed to be within the buildings existing footprint: including 1st and 2nd floor hallway expansion, 2nd floor bedroom addition, 2nd floor master bedroom addition, and the 2nd floor master bathroom addition.
2. The proposed modifications to the dwelling would expand the GFA by 2.57% (117 sq ft. [additional proposed gross floor area] ÷ 4,535 sq. ft. [total existing gross floor area]).
3. As shown on attached floor plan, the dwelling has not been expanded since 1967, although a pool and pool house were constructed sometime between 1967 and the adoption of the Critical Area Ordinance in 1989. Records from the Office of Permits and Inspections confirm that the only building permit issued for the subject parcel in recent decades has been for the installation of 490 ft. of stone revetments along the western shoreline of the property in February 2001 (Permit #20014986).
4. The Department of Planning and Zoning reminds the Planning Commission that they have the ability to: (1) recommend approval of all of the proposed improvements, (2) recommend approval to a portion(s) of the proposed improvements, or (3) recommend against the approval of the proposed improvements.

Staff recommendations include:

1. The applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.
2. The applicant shall commence construction of the proposed improvements within eighteen (18) months from the date of the Planning Office's 'Notice to Proceed'.

- 376 3. The applicant shall mitigate for the disturbance to the shoreline buffer with 3
377 times the disturbance to the Shoreline Development Buffer and 1:1 mitigation
378 for all temporary disturbance in the buffer. A Buffer Management Plan will
379 need to be submitted in conjunction with the building permit application.
380

381 Brett Ewing and Bill Stagg of Lane Engineering, LLC appeared before the
382 Commission on behalf of applicant Charles H. Webb. He stated this project was
383 approved last fall. Since that time Mr. Webb contracted with a new architect to
384 redesign the project. As you can see from the calculations the new project has
385 decreased in impervious cover, lot coverage and gross floor area.
386

387 Commissioner Boicourt stated the most important thing is we have seen it before
388 and it is now a reduction.
389

390 Commissioner Boicourt asked for comments from the Commission and the
391 public; none were made.
392

393 **Commissioner Fischer moved to recommend to the Planning Officer to**
394 **approve the administrative variance for Charles H. Webb, 22601 River**
395 **Ridge Drive, Bozman, Maryland 21652, provided compliance with staff**
396 **recommendations occurs. Commissioner Sullivan seconded the motion. The**
397 **motion carried unanimously.**
398

- 399 b. Major Revision Plat—Susan R. Payne, et al. and Barbara R. Roney—Address
400 (map 46, grid 12, parcel 148, Lot 2 & 4, zoned Village Center), Sean Callahan,
401 Lane Engineering, LLC, Agent.
402

403 Mr. Tarleton presented the staff report for the major revision plat for the
404 abandonment of Lot 4 and the establishment of “Ripple Beach Lane” (formerly
405 known as William Street) a private road with a private road maintenance
406 agreement, from an existing 50 foot wide right of way.
407

408 Staff recommendations include:
409

- 410 1. Address the July 12, 2017 TAC comments of the Department of Planning &
411 Zoning, Department of Public Works, Environmental Health Department,
412 Talbot Soil Conservation District, Critical Area Commission, and the
413 Environmental Planner prior to preliminary plat submittal.
414

415 Sean Callahan and Dani Walton, Lane Engineering, LLC and Mary Ripple on
416 behalf of applicant appeared before the Commission. Two lots are being
417 combined into one. A platted right of way is being renamed. This is an effort to
418 make some small lots buildable. Combining the lots gives you enough impervious
419 surface to build on the lots. Mary Ripple is interested in building a house we are
420 working on now. We do have a private road maintenance agreement we are

421 working on. We would like to have preliminary/final today if possible. We
422 discussed that at TAC.

423
424 Commissioner Fischer stated that if the Ripples have a plan to develop this
425 property, why do we only have one of these properties instead of a larger concept.
426 Mr. Callahan stated they do have a larger concept. There are a lot of moving parts,
427 it is complicated, but we intend to hold the right of ways as we see here for the
428 amendments to combine the lots. There are a lot of family members. The deed and
429 plat information is 1900 and prior in some cases. To figure out how many lots we
430 have to start with, we are having to research. We want to come to you with a plan
431 that is correct, not in bits and pieces.

432
433 Commissioner Fischer asked if there had been any discussion between the County
434 and Mr. Callahan's client regarding parking at the County boat landing? Mr.
435 Callahan said there have been discussions, but they have not progressed beyond
436 initial discussions.

437
438 Commissioner Boicourt asked for public comments; none were made.

439
440 **Commissioner Spies moved to grant Preliminary/Final approval for the**
441 **Major Revision Plat for Susan R. Payne, et al. and Barbara R. Roney, E.**
442 **Poplar Street, Royal Oak, Maryland 21662, with all staff conditions being**
443 **complied with. Commissioner Fischer seconded the motion. The motion**
444 **carried unanimously.**

- 445
446 c. Recommendation to County Council—A Resolution to amend the Talbot County
447 Comprehensive Water and Sewer Plan to Reclassify and remap certain properties
448 located at Easton Point adjacent to the Town of Easton, Maryland (the
449 “Properties”) from “W-2” and “S-2” to “W-1” and “S-1” immediate priority
450 status

451
452 Mr. Clarke appeared before the Commission to seek the Commission's
453 recommendation to the County Council to adopt Resolution 246 – A Resolution to
454 amend the Talbot County Comprehensive Water and Sewer Plan to reclassify and
455 remap certain properties located at Easton Point Adjacent to the Town of Easton,
456 Maryland (the “Properties”) from the current classification of “W-2” and “S-2” to
457 “W-1” and “S-1” immediate priority status, to make the properties eligible for
458 water and sewer service from the Easton Water and Wastewater Systems, and to
459 amend Table 7 and Table 16 to authorize capital projects to extend water and
460 sewer service from the Easton water and wastewater systems to the properties.
461 Also for the Planning Commission to find Resolution 246 is consistent with the
462 Comprehensive Plan.

463
464 Resolution 246 is changing a future classification for water and sewer service,
465 W-2 and S-2. This basically means planning water and sewer for the next two to
466 five years and having it reclassified from a W-2 and S-1 to a W-1 and S-1,

467 immediate priority status. The immediate priority status is consistent with the
468 efforts being made by the property owners as well as the Town of Easton. The
469 Town has proposed to annex those properties. Once the Planning Commission
470 provides the recommendation and finding that it is consistent with the
471 Comprehensive Plan, we would then move forward to the County Council. The
472 County Council would then vote on the Resolution. If the Council is in favor of
473 the Resolution, that Resolution then can go up to the Maryland Department of
474 Environment to be reviewed. Once it goes into the Town we do not anticipate any
475 issues with the Maryland Department of the Environment. There have been issues
476 with septic systems in that area. Mr. Clarke stated it is also a fill area in that area.
477 He feels it is a good thing to provide sewer to that area. It would be his
478 recommendation to adopt and find this Resolution consistent with the
479 Comprehensive Plan.

480
481 Commissioner Boicourt stated clearly if we go this step, it would be no major
482 change for the County to go to the next step to annex the next lots, and change the
483 sewer and water designation at that time. Mr. Clarke stated they do not provide
484 water and sewer through the Easton wastewater system until the properties have
485 been annexed, and we are following the lead of the Town. Mr. Clark thinks there
486 have been concerns or issues with other properties which remain in the County
487 because of Town zoning classifications which are not consistent with County
488 zoning classifications. Commissioner Boicourt stated this is a complex issue
489 along with the conditions of the Waiver approval.

490
491 Commissioner Spies stated the map is a little crazy but the process should be
492 easy. It does not appear that it is going to be an undue burden or cost of any
493 money.

494
495 Commissioner Boicourt asked for public comments; none were made.

496
497 **Commissioner Fischer moved to recommend the County Council approve the**
498 **reclassification of the properties from “W-2” and “S-2” to “W-1” and “S-1”**
499 **immediate priority status. The Commission finds this is consistent with the**
500 **Comprehensive Plan. Commissioner Sullivan seconded the motion. The**
501 **motion carried unanimously.**

502
503 d. Recommendation to County Council—Talbot County MALPF Recertification
504 Report

505
506 Mr. Sokolich presented the Maryland Agricultural Land Preservation Foundation
507 (MALPF) Recertification Report. All of the counties in the state can participate in
508 the program. The State began a priority preservation area program a few years
509 back which allowed each county to have individual funds to use for land purchase
510 out of land transfer tax monies received in addition to other activities. The State
511 tried to concentrate its preservation in an area that was going to be sustainable in
512 the long term for agriculture. We have to come back every couple of years with a

513 report of what land was preserved, how much of it was preserved in the priority
514 preservation area and how we are doing towards achieving our overall
515 preservation area goals. Mr. Sokolich stated the difficult part for him was he does
516 not know how it is possible to make any more achievements toward their goals.
517 Eighty percent of the land in the County is agriculturally zoned. Even if you cut
518 that in half for a priority preservation area that leaves over fifty thousand acres
519 left to preserve, so it will take a while.

520
521 Mr. Sokolich stated the short version of the report is we have been making some
522 progress in every round; we have had some farms preserved. Some people have
523 taken discounts to have land preserved. In other cases they have received
524 insufficient funds offers; the State agreed that the price they were asking was fair,
525 even if it was discounted, but there were not funds there to meet it. We have been
526 making slow but steady progress. Maybe by the next time we make this Report
527 we will get more acres preserved. The program needs a little tweaking in some
528 ways, it might be in State legislation. You get more points if land is contiguous to
529 land already preserved. In the Chapel District, closer to Route 50, there are fewer
530 contiguous acres that aren't together. It is easier to get to the top of the list if you
531 are in an area where more farms are already preserved. On the applications that
532 went up in 2016, offers were made and one was accepted on the No. 1 farm in the
533 Lewistown/Mattewstown area. It is a fairly good sized farm, filling in that area a
534 little more. The second farm, a much smaller one, if they accept the offer, will be
535 an insufficient funds offer. He stated he cannot discuss the offer because it has
536 not been accepted yet. That is everything for this round. Mr. Sokolich stated they
537 hope to get back to an annual application period instead of two year as it has been
538 recently.

539
540 Commissioner Boicourt asked if there have been any actions in the legislature to
541 push the program. Mr. Sokolich stated what has happened so far is that they have
542 returned monies that were withheld from some of these programs. They are fully
543 funded now. The funding of the MALPF program is tied with the subdivision of
544 farmland. We don't like to see farms subdivided, but when they are, that is where
545 the money comes from. There is a Fortieth Anniversary Luncheon the beginning
546 of September for the Program Officers so they can discuss the Program and how it
547 works. The Program works differently on the Eastern Shore than in other
548 Counties. Commissioner Sullivan stated Mr. Sokolich mentioned the funds come
549 from when lots are approved for subdivision. He asked if the MALPF program be
550 used if someone were to sell the lots back into conservation? Mr. Sokolich stated
551 absolutely, it would be possible to do that. Commissioner Fischer questioned what
552 Mr. Sokolich means by the program works better for Montgomery County and
553 some of the other counties? Mr. Sokolich stated that since the funds come from
554 actually having land subdivided, the more farms get broken up the more transfer
555 tax the County collects that they can use to preserve other land. That was
556 especially true in the 1980s. Commissioner Fischer asked if the funds come from
557 the County itself. Mr. Sokolich stated a portion of the funds come from a State

558 pot, but a certain amount is held by each County. We are not going to use our
559 funds to preserve land elsewhere.

560
561 Commissioner Spies asked why there was a jump in 2012 in the USDA census
562 numbers. Mr. Sokolich stated they started looking at the numbers differently.
563 They started looking at farms differently to keep up with the times. Commissioner
564 Spies stated that from 1982 to 2012 we have lost more than 200 acres. Mr.
565 Sokolich stated he is thinking small animal operations, greenhouse operations,
566 flower farms are the things that take place on smaller acreages that may not have
567 been included before. Mr. Sokolich stated we are getting ready for another census
568 soon and we will see if it goes up, down or levels out.

569
570 Commissioner Boicourt asked for public comments; none were made.

571
572 **Commissioner Fischer moved to recommend the County Council approve the**
573 **Certified Agricultural Land Preservation Program Recertification Report.**
574 **Commissioner Sullivan seconded the motion; further the Commission finds**
575 **the Report was well written and helpful. The motion carried unanimously.**
576

577 5. Discussions Items

- 578 a. Ms. Verdery updated the Commission on NextStep190. Staff has received Module
579 1 of the text; there will be three separate modules. Module 1 is approximately 60
580 pages. Once staff finishes our internal review we will put it online for citizen
581 review. Then we will bring it forward to the Planning Commission for
582 conversation and citizens to discuss. We are also working at the same time on our
583 mapping process. The first phase of our mapping is to reconfigure certain Village
584 boundaries, 13 of our village boundaries, for consistency with our Comprehensive
585 Plan and Tier Maps adopted in 2016. We had our first meeting last night at the
586 Community Center and we have a meeting tomorrow from 1 to 3 at the St.
587 Michaels Library, and on Saturday morning from 10 to Noon at the Easton
588 Library across the street. It was successful in that we had several people come in
589 and express their opinions. We never know how many people we are going to
590 have. We don't anticipate a lot of conversation at this point on the maps because it
591 is just adjusting the Village boundaries in consistency with the Comprehensive
592 Plan. But when we have the next phase after this, when we actually apply village
593 zoning and make the determination for village designations, then that will bring
594 more conversations. We are moving forward with both of those things and hope to
595 bring them for your review soon.

- 596
597 b. We have been having some internal staff level conversations with the Maryland
598 Department of Planning (MDP) and the Town of Easton on the potential for an
599 inter-jurisdictional TDR program. We had a conversation at staff level and MDP
600 is excited about being able to facilitate that conversation and provide resources to
601 us prior to that. So we are looking at maybe trying to have a joint County and
602 Town of Easton Town Council meeting where we can get information for what
603 they can provide. At this point it is strictly them getting us information from other

communities and to discuss whether we want the program or not, and the advantages or disadvantages. Commissioner Boicourt stated it was always thought that was an impossibility. At the last Comprehensive Plan there was a letter saying “good for you for thinking of a TDR plan, but your plan happens to be terrible, and there are better models.” We did not go any further than that at the time because there was not any interest. It has to be planned very carefully. Commissioner Spies stated if it goes forward, it needs to be an open process. The worst thing you can do is announce it when the deal is done. If you start it as an open process and get everyone involved from the start, it can be successful. Commissioner Fischer stated that openness and great care are especially important because TDRs can be used to trump zoning and we have worked hard since 1952 to maintain our rural character. Ms. Verdery stated she wanted to stress this is only an opportunity to sit down with MDP and the Town of Easton to discuss the process. Commissioner Boicourt stated we have heard lots of comments for development to occur in the towns and whether this will help that process. He stated caution is the right word.

- c. Mr. Salinas stated the Town of Easton will meet to discuss the draft of the Plan for Easton Point. The next regular meeting is August 17th at 1:00 p.m. Commissioner Fischer stated initially they were very explicit there would be meetings with their Planning Commission. It appears that has gone by the wayside. Ms. Verdery stated at this point they have extended the invitation to be part of the public meetings. Commissioner Boicourt stated that is not what was envisioned from the initial meeting. Commissioner Fischer stated there was a very interesting full page ad taken out in the Star Democrat by a gentleman regarding an agreement with the Town. Commissioner Boicourt asked Miguel if the small area plan is the document they have seen all along? He stated he feels it needs to be modified. Commissioner Boicourt asked if the approval of that plan, as far as the Planning Commission is concerned, will be on the 17th? Mr. Salinas stated he did not think it would be approved at that point.

6. Staff Matters

7. WorkSessions

8. Commission Matters

9. Adjournment—Commissioner Boicourt adjourned the meeting at 10:32 a.m.